

EXHIBIT “A”

RPD 7 - All correspondence between Kathy Koch and LA Weight Loss, or any correspondence concerning Kathy Koch by or to any LA Weight Loss employee, or concerning Kathy Koch by or to the EEOC or to any person other than LA Weight Loss.

Motion granted, as specified herein. The information sought clearly is relevant to the claims and defenses asserted in the pleadings, and is therefore within the scope of discovery identified in Rule 26(b)(1). Further, Defendant's assertions of overbreadth and burden are conclusory and boilerplate, and therefore are waived. *Thompson v. U.S. Dept. of Housing and Urban Development*, 219 F.R.D. 93 (D. Md. 2003), *Marens v. Carraba's Italian Grill, Inc.*, 196 F.R.D. 35 (D. Md. 2000), *Tucker v. Ohtsu Tire & Rubber Co., Ltd.*, 191 F.R.D. 495 (D. Md. 2000). Further, the cases cited by Defendant in support of its refusal to supply a privilege log are inapplicable. Guideline 9.c., Appendix A to the Local Rules of this Court implements Rule 26(b)(5), and requires information typically provided in a privilege log. While this requirement may be overcome by a particularized showing of burden, as the commentary to Rule 26(b)(5) acknowledges, Defendant has failed to make a particularized showing of burden, and therefore has waived this basis for objecting to the information sought. See *id.* Defendant will provide a supplemental response that is fully responsive to this request. It is cautioned that an incomplete or evasive answer will violate both Rule 37(a)(3) and this Court's order, and may subject Defendant to appropriate 37(b)(2) sanctions. As for any assertion of privilege of work product doctrine, the supplemental response will provide all the information required by Discovery Guideline 9.c, since Defendant's prior conclusory assertion of burden has waived any burden argument to support not complying with the guideline that could have been made in Defendant's original response. Any privilege asserted will be waived unless Defendant submits a privilege log fully complying with Discovery Guideline 9.c.